THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.676 of 1998

Date: 11.04.2007

Between:

C.W.C. Officers Association,
(Regd. & Recognized), rep., by its
General Secretary, K. Narsimha Rao.

... Petitioner

AND

Central Warehousing Corporation,
Rep., by its Managing Director,
New Delhi & two others.

... Respondents

Counsel for the petitioner : Sri P.Venkata Rama Sarma
for Sri P.B. Vijay Kumar.

Counsel for respondent No.1: Sri G. Ramchandra Rao

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ORDER:-

This writ petition is filed for a writ of Mandamus to reclassify the post of Accountants so as to include them in the executive cadre and to pay the minimum basic pay of Rs.2,000/- in the scale of pay of Rs.2000-60-2300-EB-75-3300-100-3500 on Central Dearness Allowance pattern with effect from 28.02.1986 as applicable to the Executives of the Central Warehousing Corporation and other Public Sector Enterprises in the Central Government.

The petitioners are working as Accountants in the 1st respondent Corporation. Till third pay revision was in force, they were categorized under Group-D along with Accountants as Assistant Managers. Consequent on the appointment of High Power Pay Committee headed by Justice R.B. Mishra, a retired judge of Supreme Court, the said committee went into the entire staff structure and presented a report on 24.11.1988. This report appeared to have been accepted by the bureau of public enterprises and on the directions given by it, the 1st respondent has followed the recommendations contained in the report.

The grievance of the petitioners is that though earlier the Accountants, which posts they occupy, and Assistant Managers (Accounts) were grouped together under Group-D, the 1st respondent has included Assistant Managers (Accounts) under Executive category while the Accountants are included in Supervisors Non-Technical cadre.

Heard Sri P.Venkata Rama Sarma, learned counsel appearing for Sri P.B. Vijay Kumar for the petitioner and Sri G. Ramchandra Rao, learned counsel appearing for respondent No.1.

The learned counsel for the petitioner submitted that the report, on the basis of which respondent No.1 has created the categories of employees, is irrational. He says that as the Accountants and Assistant Manager (Accounts) were grouped under one category earlier, there is no justification for denying the status of Executive and the pay scale attached it to the Accountants while the said benefit was given to the Assistant Managers (Accounts). He also submitted that a representation made by the C.W.C. Officers Association, Bombay was forwarded by the Regional Manager to the Personnel Manager, Central Warehousing Corporation, New Delhi on 06.03.1989 and that so far no decision has been taken on the said representation.

Sri G. Ramchandra Rao, learned counsel appearing for respondent No.1 submitted that the writ petition itself is not maintainable since no part of cause of action has arisen within the territorial jurisdiction of this Court. He relied upon Article 226 (2)

of the Constitution of India in support of his submission.

In the view I am taking, there is no need to go into this aspect and in appropriate cases it is open to the respondents to raise this contention. The main grievance of the petitioner, as already mentioned earlier is that the report of the High Power Committee on the basis of which classification of the employees of the 1st respondent was made is irrational. The alleged report has not been placed before this Court. The decision of the bureau of public enterprises which accepted the said report is also not before this Court. While in the first place this Court would not embark upon examining the correctness or otherwise of the recommendations of an expert body, since this Court does not possess the necessary expertise to examine such recommendations, in view of the failure of the petitioner even to produce the relevant material such as the report of the committee and the decision of the 3rd respondent which accepted the committee report, this Court is unable to go into the pleas raised by the petitioner. Unless this material is placed before the Court, it is not possible for this Court to appreciate the contentions raised by the petitioner.

For this reason, the writ petition cannot be decided on merits and the same is dismissed. No costs.

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C.V.NAGARJUNA REDDY, J

Date: 11.04.2007
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